

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 479

Introduced by Thompson, 14

Read first time January 13, 2005

Committee: Urban Affairs

A BILL

- 1 FOR AN ACT relating to municipal economic development; to amend
- 2 section 18-2709, Revised Statutes Supplement, 2004; to
- 3 redefine qualifying business; to repeal the original
- 4 section; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-2709, Revised Statutes Supplement,
2 2004, is amended to read:

3 18-2709. Qualifying business shall mean any corporation,
4 partnership, limited liability company, or sole proprietorship
5 which derives its principal source of income from any of the
6 following: The manufacture of articles of commerce; the conduct of
7 research and development; the processing, storage, transport, or
8 sale of goods or commodities which are sold or traded in interstate
9 commerce; the sale of services in interstate commerce; headquarters
10 facilities relating to eligible activities as listed in this
11 section; telecommunications activities, including services
12 providing advanced telecommunications capability; or
13 tourism-related activities. In cities of the first and second
14 class and villages, a business shall also be a qualifying business
15 if it derives its principal source of income from the construction
16 or rehabilitation of housing. In cities with a population of more
17 than two thousand five hundred inhabitants and less than ~~ten~~ one
18 hundred thousand inhabitants, a business shall also be a qualifying
19 business if it derives its principal source of income from retail
20 trade, except that no more than forty percent of the total revenue
21 generated pursuant to the Local Option Municipal Economic
22 Development Act for an economic development program in any
23 twelve-month period and no more than twenty percent of the total
24 revenue generated pursuant to the act for an economic development
25 program in any five-year period, commencing from the date of
26 municipal approval of an economic development program, shall be
27 used by the city for or devoted to the use of retail trade
28 businesses. For purposes of this section, retail trade shall mean

1 a business which is principally engaged in the sale of goods or
2 commodities to ultimate consumers for their own use or consumption
3 and not for resale. In cities with a population of two thousand
4 five hundred inhabitants or less, a business shall be a qualifying
5 business even though it derives its principal source of income from
6 activities other than those set out in this section.

7 If a business which would otherwise be a qualifying
8 business employs people and carries on activities in more than one
9 city in Nebraska or will do so at any time during the first year
10 following its application for participation in an economic
11 development program, it shall be a qualifying business only if, in
12 each such city, it maintains employment for the first two years
13 following the date on which such business begins operations in the
14 city as a participant in its economic development program at a
15 level not less than its average employment in such city over the
16 twelve-month period preceding participation.

17 A qualifying business need not be located within the
18 territorial boundaries of the city from which it is or will be
19 receiving financial assistance.

20 Sec. 2. Original section 18-2709, Revised Statutes
21 Supplement, 2004, is repealed.

22 Sec. 3. Since an emergency exists, this act takes effect
23 when passed and approved according to law.